

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WISCONSIN		
1	2	I N D E X
2	3	WITNESS
3	4	LOUISE PLASSE
4	5	Direct by Mr. Laing
5	6	
6	7	***Confidential redacted portions under separate cover ***
7	8	
8	9	E X H I B I T S
9	10	MARKED IDENTIFIED
10	11	Defendants' Exhibit No. 1 4 7
11	12	Defendants' Exhibit No. 2 4 9
12	13	Defendants' Exhibit No. 3 4 13
13	14	Defendants' Exhibit No. 4 4 14
14	15	Defendants' Exhibit No. 5 4 16
15	16	(Residential Contract for Sale and Purchase)
16	17	Defendant's Exhibit No. 6 4 17
17	18	(Handwritten Hardship Letter)
18	19	Defendants' Exhibit No. 7 4 20
19	20	(Mortgage Assistance Application)
20	21	Defendants' Exhibit No. 8 4 20
21	22	Defendants' Exhibit No. 9 4 27
22	23	(Closing Statement)
23	24	Defendants' Exhibit No. 10 4 29
24	25	Defendants' Exhibit No. 11 4 34
25		Defendants' Exhibit No. 12 4 37
		Defendants' Exhibit No. 13 4 38
APPEARANCES:		
1	2	Page 2
2	3	Deposition of LOUISE PLASSE, the WITNESS
3	4	herein taken on behalf of the DEFENDANTS herein for the
4	5	purpose of discovery and for use as evidence in the
5	6	above-entitled cause, before GINA GRANT, Court Reporter
6	7	and Notary Public in and for the State of Florida at
7	8	Large, at 777 South Flagler Drive, Suite 1900, City of
8	9	West Palm Beach, County of Palm Beach, State of Florida
9	10	on Wednesday, January 10, 2024, commencing at 10:01
10	11	o'clock, a.m.
11	12	-----
12	13	Whereupon:
13	14	LOUISE PLASSE,
14	15	a witness herein being of lawful age, and being first
15	16	duly sworn in the above cause, testified on her oath as
16	17	follows:
17	18	(Defendant's Exhibit Numbers 1 through 13
18	19	were marked for identification.)
19	20	THE VIDEOGRAPHER: We're now on the video
20	21	record. Today's date is January 10th, 2024,
21	22	and the time is 10:01 a.m. This is the video
22	23	deposition of Louise Plasse taken in the matter
23	24	of Stacy L. Randall versus Widen, et al. This
24	25	case is being held at 777 South Flagler Drive,
25		Suite 1900, West Palm Beach, Florida. The
		videographer is Benny Dorlouis, and the court

1 reporter is Gina Grant.	Page 5	1 Q In front of you, you've got a pile of 2 documents, and the first document on the top of the 3 pile is Exhibit 1, which is the subpoena to testify 4 at a deposition in a civil action that was served on 5 PHH Mortgage Corporation in this case, meaning the 6 case of Randall v. Widen. Have you seen that 7 document before?	Page 7
2 Will counsel please introduce themselves 3 for the record?		8 A I have, yes.	
4 MR. LAING: Dean Laing present here at the 5 deposition on behalf of the defendants.		9 Q Are you prepared to testify as the 10 corporate designee of PHH Mortgage Corporation as to 11 the topics listed on pages 4 and 5 of the subpoena?	
6 MR. SYLVAN: Samuel Sylvan present via 7 Zoom on behalf of the plaintiff, Ms. Stacy 8 Randall.		12 A I am to the best of my ability, yes.	
9 MS. SOLANO: Sara Solano present in 10 person. Counsel for PHH Mortgage Corporation. 11 Whereupon:		13 Q Do you understand that you are here today 14 testifying on behalf of the corporation, meaning 15 that you're going to testify as to the institutional 16 knowledge of that corporation, and you're not here 17 today to testify in your individual capacity?	
12 LOUISE PLASSE, 13 a witness herein being of lawful age and being first 14 duly sworn in the above cause, testified on her oath as 15 follows:		18 A Yes, I do.	
16 DIRECT EXAMINATION		19 Q In other words, when I ask you questions 20 today, I'm not asking you questions for you to 21 answer individually. I'm asking for you to answer 22 questions on behalf of PHH Mortgage Corporation. Do 23 you understand that?	
17 BY MR. LAING: 18 Q Good morning. 19 A Good morning. 20 Q State your full name, please. 21 A Louise Plasse. 22 Q And how do you spell your last name? 23 A P like in Peter, l-a-s-s-e. 24 Q How are you employed? 25 A I am employed with OCWEN Financial		24 A I do, yes. 25 Q In response to the subpoena you have in	
1 Corporation. 2 Q And what's your position? 3 A I am a senior loan analyst. 4 Q What is the relationship, if any, between 5 PHH Mortgage Corporation and OCWEN Financial -- 6 whatever you said the last name was. 7 A OCWEN Financial Corporation. PHH is a 8 subservicer under the OCWEN umbrella. We merged 9 with PHH in 2019. 10 Q I understand that you are here today to 11 testify as the designated corporate representative 12 of PHH Mortgage Corporation; is that correct? 13 A Yes, I am. 14 Q Could you describe just generally the 15 nature of PHH Mortgage Corporation's business? 16 A Generally, we are a mortgage servicer. In 17 that capacity we service several million loans. I 18 don't know the exact number, but we service mortgage 19 loans. And in that capacity as a servicer, we have 20 obligations with our investors to service and 21 maintain the daily business and recordkeeping of the 22 mortgages that we service. 23 Q Is one of the companies that PHH Mortgage 24 Corporation services U.S. Bank? 25 A Yes.	Page 6	1 front of you, Exhibit 1, as well as prior subpoenas 2 issued in this case, PHH Mortgage Corporation has 3 produced a large number of documents. Are you aware 4 of that? 5 A I am, yes. 6 Q And were those documents all maintained in 7 the corporate records of PHH Mortgage Corporation? 8 A Yes, they are. 9 Q I'm going to be asking you questions today 10 about a loan that was taken out by Stacy Randall and 11 her then husband, Steven Randall, in 2007 in 12 connection with -- with a residential home located 13 in Lithia, Florida. Are you familiar with that 14 loan? 15 A I am, yes. 16 Q And specifically the address of that 17 property is 6116 Avocetridge Drive in Lithia, 18 Florida. Are you aware of that? 19 A Yes, I am. 20 Q And is Lithia, Florida, a suburb of Tampa, 21 Florida? 22 A Yes, it is. 23 Q The loan taken out by Stacy Randall and 24 her then husband, Steven Randall, initially in 25 2007 was ultimately assigned by the originator to	Page 8

1 U.S. Bank. Am I correct on that?	Page 9	1 were in default of the initial note?	Page 11
2 A Yes.		2 A Yes. That's -- that would indicate, yes.	
3 Q What were PHH Mortgage Corporation's responsibilities and obligations in connection with that loan?		3 Q And, in fact, the amount outstanding went from \$500,750 initially to \$793,535.07 as of January 23, 2017, correct?	
4		4	
5		5	
6 A As I stated earlier, our obligations are to service and maintain the loan, apply payments as they come in, answer any questions should the homeowner call in to inquire about any issues they may or may not be having, and in general just service the loan according to guidelines.		6 A Correct.	
7		7 Q So let's go back to page 1 of this exhibit. This is a verified complaint for	
8		8 foreclosure of mortgage that was filed by U.S. Bank	
9		9 against Stacy Randall and Steven Randall among	
10		10 others, correct?	
11		11	
12 Q And would that include issues relating to a customer being in default?		12 A Correct.	
13		13 Q And it was filed on December 20, 2018,	
14		14 according to the header on page 1; is that correct?	
15 Q Look at Exhibit 2, please. Exhibit 2 is a document called "Verified Complaint for Foreclosure of Mortgage," which has a Bates stamp number on it of PHH Mortgage 000001. Do you have that in front of you?		15 A Yes.	
16		16 Q And if you go to paragraph 9 of the	
17		17 complaint, it indicates that Stacy Randall and	
18		18 Steven Randall have defaulted under the amended note	
19		19 by failing to pay the payment due as of March 1 of	
20		20 2018 and all subsequent payments; is that correct?	
21 A I do, yes.		21 A Yes, that's correct.	
22 Q Okay. And if you turn to Exhibit A of that document -- I think you're there.		22 Q And then if you go to paragraph 11, it	
23 A Okay.		23 says that as of the date this document was filed	
24 Q Okay. Is that exhibit, meaning Exhibit A to Exhibit 2 in this case, the original loan note		24 with the court, meaning as of December 20, 2018,	
25		25 Stacy Randall and Steven Randall owed U.S. Bank	
1 that relates to this property in Lithia, Florida?	Page 10	1 \$788,209.24 on the mortgage note; is that correct?	Page 12
2 A It does contain that information, yes.		2 A Yes.	
3 Q And according to this loan note, the original loan amount for that property was \$500,750. Am I correct on that?		3 Q Then if you go to page 3 under the	
4		4 wherefore clause, it indicates that U.S. Bank was	
5		5 demanding that the court enter a judgment of	
6		6 foreclosure against the property, and if the	
7		7 proceeds of the sale of the property are	
8		8 insufficient to pay the Randall's claim -- or U.S.	
9		9 Bank's claim, the -- U.S. Bank was asking the court	
10 A Okay.		10 to enter a deficiency judgment against Stacy Randall	
11 Q Do you have that in front of you?		11 and Steven Randall, correct?	
12 A I do.		12 A Yes.	
13 Q This document is called a "Loan Modification Agreement" that was signed by Stacy Randall and Steven Randall on January 23, 2017, correct?		13 Q And what is a deficiency judgment?	
14		14 A In the event that the judgment essentially	
15		15 falls short of what is due to pay the balance off,	
16		16 then there's a deficiency.	
17 A Yes, that's correct.		17 Q So let's say, for example, if this	
18 Q And if you go to page 2 of that document, it indicates in paragraph number 1 that as of March 1 of 2017, the amount payable under the original promissory note is \$793,535.07; is that correct?		18 foreclosure sale resulted in a net payment to the	
19		19 Randalls of, say, \$350,000 and let's say \$800,000	
20		20 was owed to U.S. Bank at the time, what would the	
21		21 deficiency amount be?	
22 A It is.		22 MR. SYLVAN: Objection. Form.	
23 Q Does that suggest or indicate that between 2007 and 2017 that Stacy Randall and Steven Randall		23 BY MR. LAING:	
24		24 Q And I don't want to confuse you on math or	
25		25 numbers. Would it be the difference between the	

	Page 13		Page 15
1	two?	1	referenced.
2	A Yes. Yes. I was just trying to calculate	2	MR. LAING: Yeah. That page was PHH
3	in my head.	3	Mortgage 000082.
4	Q Okay. Okay. Let's go to Exhibit 3,	4	MR. SYLVAN: Thank you.
5	please.	5	BY MR. LAING:
6	A Sure.	6	Q And this is a document entered by a court,
7	Q And Exhibit 3 is another document that was	7	on behalf of U.S. Bank and against Stacy Randall and
8	in the files of PHH Mortgage Corporation, and it was	8	Steven Randall, ordering several things; is that
9	produced as PHH Mortgage 001147. Do you have that	9	correct?
10	in front of you?	10	A Yes.
11	A I do.	11	Q In paragraph 3 on page 2, it indicates
12	Q This is a document called "Altisource Real	12	that the Randalls owe U.S. Bank, at the time the
13	Estate Valuation Services," correct?	13	document was entered by the court in 2019, the sum
14	A Correct.	14	of \$858,671.62, correct?
15	Q It indicates on the top of the document	15	A Correct.
16	that the borrower is Stacy Randall, and it relates	16	Q Then on the next page, paragraph 6, it
17	to an address of 6116 Avocetridge Drive in Lithia,	17	indicates that the court is ordering that the
18	Florida, correct?	18	property be sold; is that correct?
19	A Correct.	19	A Yes.
20	Q At the bottom of page 1 and the top of	20	Q Okay. Let's go to Exhibit 5, please,
21	page 2, it describes the home owned by the Randalls,	21	which is a document produced by PHH Mortgage
22	correct?	22	Corporation with a Bates stamp of PHH0372. This was
23	A It does, yes.	23	again a document produced by PHH Mortgage
24	Q And it says at the bottom of page 1 that	24	Corporation in this case. Can you tell me what this
25	it is a seven-year-old single family residence,	25	document is?
	Page 14		Page 16
1	correct?	1	A This is a residential contract as is for
2	A Yes.	2	the sale and purchase, and it's indicating that the
3	Q And would that indicate to you that when	3	Randalls are the sellers. And I'm not sure -- yeah.
4	the Randalls purchased that home seven years	4	It looks like Justin Alvarez and Kristen Alvarez are
5	earlier, they purchased it as a new home?	5	the buyers.
6	A Yes.	6	Q Okay. And this is for the property
7	Q It goes on to say it's got 3,449 square	7	located at 6116 Avocetridge Drive in Lithia,
8	feet of living space, correct?	8	Florida, correct?
9	A Correct.	9	A That is correct.
10	Q It indicates it's got five bedrooms and	10	Q And the amount of the purchase price
11	three baths, correct?	11	listed on this offer to purchase is \$360,000,
12	A Yes.	12	correct?
13	Q Let's turn to page -- or Exhibit 4,	13	A It appears that way, yes.
14	please. Exhibit 4 is a document labeled "Uniform	14	Q And if you look at the last page of that
15	Final Judgment of Foreclosure Against Defendants,"	15	document bearing Bates stamp Number PHH0383, it
16	and it's a document entered by the court. And if	16	indicates that Stacy Randall and Steven Randall
17	you look at the -- page 5 of that document, it	17	signed the offer to purchase on November 22, 2019,
18	appears to be signed by the judge on October 24,	18	correct?
19	2019; is that correct?	19	A That is correct.
20	A Yes.	20	Q If this offer to purchase went forward for
21	MR. SYLVAN: Counsel, can I -- can I just	21	this purchase price, there would be a deficiency of
22	ask what the Bates number is of that page,	22	over \$500,000 due U.S. Bank; is that correct?
23	please?	23	A Yes.
24	MR. LAING: That page?	24	Q Let's go to Exhibit 6, please. Exhibit 6
25	MR. SYLVAN: Yeah. That you just	25	is a document produced by PHH Mortgage Corporation

1 in this case bearing a Bates stamp number of PHH 2 Mortgage 000253. Can you tell me what this document 3 is? 4 A This is a handwritten hardship letter 5 signed by Steven Randall, and I'm not sure if 6 Mrs. Randall signed that. There appears to be 7 another signature on there, but I'm not sure if 8 that's her signature or not. 9 Q Okay. And this document is dated May 13, 10 2020, correct? 11 A Correct. 12 Q And on the top of it, it's captioned 13 "Hardship Letter." Do you see that? 14 A Yes. 15 (Confidential portion redacted)	Page 17 1 A In some cases, yes. 2 Q What's the process that was used in this 3 matter by PHH Mortgage Corporation in evaluating 4 this request for a short sale? 5 A There are several -- several factors that 6 have to be taken into consideration. First, we 7 would receive this letter, take it into 8 consideration, and then we would then communicate 9 with the homeowner what the obligations are as far 10 as going forward with a short sale. 11 Hypothetically, if they had an agreement 12 with a realtor and the numbers from the offer from 13 the realtor -- if they had somebody that was 14 interested in buying the property if the numbers all 15 were in agreement and satisfied, our obligations on 16 our end -- we would then continue with the short 17 sale and follow through with any documentations 18 waiting for information from the homeowner and the 19 realtor and their attorneys to provide information 20 to us to make sure all of the I's were dotted and 21 the T's were crossed essentially. 22 Q Is some of the information that's 23 requested from the homeowner financial information 24 pursuant to which the homeowner would need to 25 establish a financial hardship?
Page 18 1 (End of redacted confidential portion) 11 BY MR. LAING: 12 Q So the letter asks for a short sale? 13 A Correct. 14 Q What is a short sale? 15 A A short sale in -- at the time that the 16 client goes into default is one of the options that 17 is available in the event that they don't qualify 18 for modification, and it allows them time to sell 19 the property based on an offer that is agreeable 20 between the servicer and the homeowner, meaning that 21 they have to -- certain obligations have to be met 22 financially. The numbers have to make sense. Long 23 and short of it. 24 Q Pursuant to a short sale, is the bank 25 agreeing to waive the deficiency?	Page 20 1 A Yes. 2 Q In that process does PHH Mortgage 3 Corporation request that the homeowner complete a 4 form -- whether you call it an application or a 5 declaration or affidavit or something to that 6 effect -- where the homeowner discloses their 7 assets? 8 A Essentially, yes. 9 Q And is it important for that statement to 10 be accurate? 11 A It is, yes. 12 Q And by that statement, does the homeowner 13 represent that what they're telling PHH Mortgage 14 Corporation is in effect accurate, and, in fact, PHH 15 Mortgage Corporation can rely on it? 16 A Yes. 17 Q Let's go to Exhibit 7, please, and at the 18 same time I want you to look at Exhibit 8 because 19 that's a clearer copy. 20 A Yes. 21 Q And Exhibit 7 was produced by PHH Mortgage 22 Corporation in this case as PHH Mortgage000239, and 23 Exhibit 8 was produced by PHH Mortgage Corporation as PHH0218. 25 Now, let's go to Exhibit 7, and this is a

1	document that's titled "Mortgage Assistance 2 Application," correct?	Page 21	1	A Correct.	Page 23
3	A Yes.		2	Q She checked the box that indicates that 3 there's been an increase in housing-related 4 expenses, correct?	
5	Q And then in the middle of the page, it 6 asks for the account holder's name, and next to it 7 it says on this document Stacy Randall with some of her identifying information, correct?		5	A Correct.	
8	A Correct.		6	Q She checked the box that she's going 7 through a divorce and a legal separation, correct?	
9	Q Then at the bottom of the page, it asks 10 for information about the property, and Stacy 11 lists on this form the property address is 12 6116 Avocetridge Drive in Lithia, Florida, correct?		8	A Yes.	
13	A Correct.		9	Q She also checked the box that she's going 10 through a business failure, correct?	
14	Q And then she says the property is 15 currently an investment property, correct?		11	A Correct.	
16	A Yes.		12	Q And then on the bottom, she says husband 13 has been disabled, correct?	
17	Q And then she says that the property is 18 currently vacant, correct?		14	A Correct.	
19	A Yes.		15	Q Then on the next page at the top of the 16 page, it asks the person completing the form for 17 income information, correct?	
20	Q And she says I want to sell the property, 21 correct?		18	A Correct.	
22	A Yes.		19	Q And she indicated she has no income, 20 right?	
23	Q She then -- it goes on to say that the 24 property is listed for sale through a brokerage. 25 She identifies the name of the broker and the		21	A Right.	
		Page 22	22	Q And on the bottom of the page, it talks 23 about current account holder assets. Do you see 24 that?	
			25	A I do.	
1	broker's phone number, correct?	Page 22	1	Q And what's the purpose for asking -- a 2 homeowner who's requesting that a bank waive a 3 deficiency for their assets?	Page 24
2	A Correct.		4	A It is to -- to get a better understanding 5 of their financial situation, and those numbers are 6 taken into consideration when making a determination 7 on what options may be available for them, whether 8 it be a short sale if that's the best option or a 9 modification -- different options available, and 10 it's an assessment of what we can offer them.	
3	Q If you go to page 2 of the document, at 4 the top it indicates that the hardship causing the 5 mortgage challenges began in January of 2007, 6 correct?		11	Q Is it also used in determining whether the 12 bank should waive a significant deficiency?	
7	A Correct.		13	A It -- it does take into consideration that 14 information as well, yes.	
8	Q And Stacy indicates that the hardship is 9 long term or permanent. Greater than six months, 10 correct?		15	Q In that area of the form captioned 16 "Current Account Assets," the first box asks for the 17 homeowner to indicate how much money they have in 18 their checking account and cash on hand, correct?	
11	A Correct.		19	A Correct.	
12	Q Then the next section talks about a 13 description of the hardship, correct?		20	Q And Stacy Randall indicated she had \$3,000 21 of money in that category, correct?	
14	A Correct.		22	A Correct.	
15	Q There's various boxes that the person 16 completing the form can check, correct?		23	Q It then asks the homeowner to tell the 24 bank the total dollars in their savings account, 25 correct?	
17	A Correct.				
18	Q And Stacy checked the boxes that says 19 she's unemployed and not receiving benefits, 20 correct?				
21	A Correct.				
22	Q She checked the box that says that she's 23 had a reduction in income. A hardship that has 24 caused a decrease in income due to circumstances outside her control, correct?				

	Page 25		Page 27
1	A Correct.	1	
2	Q And Stacy Randall indicated that she had	2	
3	\$4,000 in her checking -- in her savings account at	3	
4	that time, correct?	4	(End of redacted confidential portion.)
5	A Correct.	5	MS. SOLANO: Objection. Objection. Calls
6	Q The next area asks the homeowner to	6	for a legal conclusion.
7	disclose their assets in money markets, stocks,	7	BY MR. LAING:
8	bonds, and CDs and the value of that, correct?	8	Q Let's go to Exhibit 9, please, and
9	A That's -- yes.	9	Exhibit 9 is a document that was produced by
10	Q And what did Stacy indicate there?	10	PHH Mortgage Corporation in this case with Bates
11	A There is nothing in that to indicate	11	Stamp Number PHH Mortgage 000162, correct?
12	anything.	12	A Correct.
13	Q The next box asks the homeowner to	13	Q And is that a closing statement for the
14	disclose the estimated value of real estate owned by	14	sale of the Lithia, Florida, home owned by Stacy
15	the homeowner, correct?	15	Randall and Steven Randall?
16	A Correct.	16	A It is.
17	Q And what did Stacy disclose there?	17	Q And is it dated July 31, 2020?
18	A There is nothing there.	18	A It is.
19	Q And then there's a catch-all at the bottom	19	Q It indicates that the buyers at the top of
20	that says other, correct?	20	page 1 are Justin Alvarez and Kristen Alvarez,
21	A Correct.	21	correct?
22	Q And that would be any other assets that	22	A Correct.
23	weren't in the categories listed above, correct?	23	Q Then it indicates in the middle of
24	A Correct.	24	Exhibit 9 that the sale price for the property was
25	Q And what did Stacy list there?	25	\$395,000, correct?
	Page 26		Page 28
1	A Zero.	1	A Correct.
2	Q If you then turn to the next page of	2	Q And then there's various amounts that had
3	Exhibit 7, there's a category that says account	3	to be paid out of that by the seller, including
4	holder's certification, correct?	4	taxes and home owner's association fees and real
5	A Yes.	5	estate commission fees and the like, correct?
6	Q It says it is certified and acknowledged	6	A Correct.
7	that all of the information in this mortgage	7	Q And it indicates that the Randalls would
8	assistance application is truthful. Is that what it	8	receive a net amount of 337,225.08 from the sale,
9	says?	9	correct?
10	A It does, yes.	10	A Correct.
11	Q And then in the next line, it says	11	Q And that would be about \$500,000 less than
12	knowingly submitting false information may violate	12	what was owed to U.S. Bank on the property, correct?
13	federal and other applicable law, correct?	13	A Correct.
14	A Correct.	14	Q And this closing document on page 3 was
15	Q Then at the bottom of the form, it again	15	signed by Stacy Randall and Steven Randall on
16	says by signing below I certify that all the	16	July 29, 2020, correct?
17	information contained herein is truthful, correct?	17	A Correct.
18	A Correct.	18	Q Now, go to Exhibit 10, and before we talk
19	Q And then did Stacy Randall sign the form?	19	(Confidential redacted portion.)
20	A She did.	20	
21	Q And what's the date of her signature?	21	
22	A I believe it's 5-13-2020.	22	
23	Q So May 13 of 2020?	23	
24	A Yes.	24	
25	(Confidential portion redacted.)	25	

	Page 29		Page 31
1	(End of confidential redacted portion.)	1	may already have taken as of the date of the
2	Q And if you look at Exhibit 10, is that a	2	response to this letter; is that correct?
3	copy of the paperwork relating to the approval of	3	A Correct.
4	the short sale and the waiver of the deficiency?	4	(Confidential redacted portion.)
5	A Yes.	5	
6	Q Exhibit 10 is dated June 19 of 2020,	6	
7	correct?	7	
8	A It is, yes.	8	
9	Q And it's addressed -- well, it's sent by	9	
10	PHH Mortgage Corporation to Stacy Randall and Steven	10	
11	Randall in Stoughton, Wisconsin, correct?	11	(End of confidential redacted portion.)
12	A Correct.	12	Q Then it goes on in this document to
13	Q And it's sent to them at the address of	13	reference balance waiver. Do you see that?
14	1972 Barber Drive, Unit 3, correct?	14	A I do.
15	A Correct.	15	Q And it says: "To the extent not
16	Q And it indicates in the right box that	16	discharged by any bankruptcy process, the remaining
17	this relates to the property address of	17	deficiency after acceptance of the short sale
18	6116 Avocetridge Drive in Lithia, Florida, correct?	18	proceeds is \$451,919.07." Do you see that?
19	A Correct.	19	A I do.
20	Q Then in the first paragraph of the letter,	20	Q It says: "PHH Mortgage Services has
21	it says: "Congratulations. PHH Mortgage Services	21	approved the short sale offer as full and final
22	acting on behalf of U.S. Bank, et cetera, has	22	satisfaction of the mortgage obligation for this
23	approved the short sale payoff on the above	23	lien. PHH Mortgage Services agrees to waive the
24	referenced account in the amount of \$336,290.17,"	24	remaining balance due on the referenced mortgage or
25	correct?	25	such waiver as required by state law, and,
	Page 30		Page 32
1	A Correct.	1	therefore, PHH Mortgage Services will release the
2	Q Which is approximately the same amount as	2	account holder from further obligation upon
3	the Randalls were to receive in a net amount from	3	successful completion of the short sale." Do you
4	the sale of the property, correct?	4	see that?
5	A Correct.	5	A I do.
6	Q Then it says on the bottom of the --	6	Q This document is then signed by Stacy
7	page 10: "What needs to be understood. Paragraph	7	Randall on July 29, 2020, correct?
8	1: We have completed the review of the application	8	A Correct.
9	for assistance and the financial information	9	Q Then on the page Bates labeled 000190 of
10	provided. The account is approved for a short sale	10	Exhibit 10, there's a document that's captioned
11	payoff in the sum of \$336,290.17," correct?	11	"Short Sale Affidavit." Do you see that?
12	A Correct.	12	A I do.
13	Q Then if you go to the page bearing a Bates	13	Q And that affidavit was signed by Stacy
14	Stamp Number 000176, there's a section toward the	14	Randall on July 26, 2020, correct?
15	bottom captioned "Legal Action." Do you see that?	15	A Correct.
16	A I do.	16	Q And in this affidavit Ms. Randall
17	Q And it says that upon PHH Mortgage	17	represented in paragraph G that she is certifying
18	Corporation's timely receipt of the entire payoff	18	under penalty of perjury that to the best of her
19	amount, evidence of satisfaction of the above	19	knowledge and belief a signatory who makes a
20	conditions, and a copy of this letter properly	20	negligent or intentional misrepresentation agrees to
21	signed by each of the above-named account holders,	21	indemnify the servicer and the investor for any and
22	PHH Mortgage Services will execute a release	22	all loss resulting from the misrepresentation,
23	satisfaction and a discharge of the property lien.	23	including but not limited to repayment of the
24	If necessary, PHH Mortgage Services will file a	24	amounts of the reduced payoff of the mortgage; is
25	withdrawal in connection with any legal action it	25	that correct?

	Page 33		Page 35
1	A Yes.	1	
2	Q And then on the next page in the first	2	
3	paragraph on the top, Stacy Randall also certified	3	
4	under penalty of perjury that she understands that a	4	
5	misrepresentation may subject her to civil and/or	5	(End of redacted confidential portion.)
6	criminal liability, correct?	6	BY MR. LAING:
7	A Correct.	7	(Confidential portion redacted.)
8	(Confidential portion redacted.)	8	
9		9	
10		10	
11		11	
12		12	
13		13	
14	(End of confidential redacted portion.)	14	
15	MR. SYLVAN: Objection. Calls for a legal	15	
16	conclusion.	16	(End of confidential portion redacted.)
17	BY MR. LAING:	17	BY MR. LAING:
18	Q Did the sale of the property in Lithia,	18	(Confidential portion redacted.)
19	Florida, from the Randalls to the Alvarezes close?	19	
20	A It did.	20	
21	Q And did PHH Mortgage Corporation receive	21	
22	\$337,225.08 from the sale?	22	
23	A We did, yes.	23	
24	Q And did PHH Mortgage Corporation waive the	24	
25	remaining balance owed by Stacy Randall and Steven	25	
	Page 34		Page 36
1	Randall to U.S. Bank in the sum of \$451,919.07?	1	
2	A We did, yes.	2	(End of confidential portion redacted.)
3	(Confidential portion redacted.)	3	BY MR. LAING:
4		4	(Confidential portion redacted.)
5		5	
6		6	
7	(End of confidential redacted portion.)	7	
8	Q Did Stacy Randall tell PHH Mortgage	8	
9	Corporation, either in the Mortgage Assistance	9	
10	Application form or in any other manner, that as of	10	
11	the date she signed that form, May 13 of 2020, she	11	
12	owned stock in a corporation known as Windy Waters,	12	
13	Inc. --	13	
14	MR. SYLVAN: Objection. Form.	14	
15	MR. LAING: Let me just finish the	15	
16	question.	16	(End of confidential portion redacted.)
17	BY MR. LAING:	17	BY MR. LAING:
18	Q Did Stacy Randall tell PHH Mortgage	18	Q Please go to Exhibit 12. This is a
19	Corporation, either in the application that we've	19	closing statement from the sale of a property from
20	marked as Exhibit 7 or in any other manner, that as	20	Stacy Randall and Steven Randall to a Melissa Siems,
21	of the date she signed that certification, May 13,	21	S-i-e-m-s, and it's dated July 24, 2020. Do you see
22	2020, that she owned 232.75 shares of Class A common	22	that?
23	stock and 1,952.7568 shares of Class B common stock	23	A I do.
24	(Confidential portion redacted.)	24	Q And you see that its property address is
25		25	1972 Barber Drive, Unit 3, Stoughton, Wisconsin?

	Page 37	Page 39
1	A Yes.	1 that she determined the fair market value of that
2	Q And you see that --	2 property as of May 13, 2020. Do you see that?
3	MR. SYLVAN: Counsel, sorry to interrupt.	3 A I do.
4	Can I just ask what the -- the Bates stamp is	4 Q And, again, that's the date of the
5	on that?	5 certification completed by Stacy Randall, correct?
6	MR. LAING: Certainly. It's Windy	6 A Yes.
7	0008382.	7 Q It then goes on to say: "In summary the
8	BY MR. LAING:	8 fair market value of the appraised items totals
9	Q And the address of that property is the	9 \$29,223." Do you see that?
10	same address to which the approval of a short sale	10 A I do.
11	payoff marked as Exhibit 10 was sent to, correct?	11 Q And if you go toward the end of the
12	A It is, yes.	12 report, there's a bunch of photos of all of the
13	Q And this closing statement indicates that	13 items that were appraised, including jewelry and
14	Stacy Randall and her husband at the time sold the	14 coins and silver bars and other types of precious
15	property for \$486,000, correct?	15 metals. Do you see that?
16	A Correct.	16 A I do.
17	Q Then if you look at the -- page 3, it	17 (Confidential portion redacted.)
18	indicates on the bottom left that the net amount	18
19	from that sale being paid to Stacy Randall and	19
20	Steven Randall is \$51,966.41. Do you see that?	20
21	A I do.	21
22	(Confidential portion redacted.)	22
23		23
24		24
25		25
	Page 38	Page 40
1		1
2		2
3		3
4		4
5		5
6		6
7		7
8		8
9	(End of confidential portion redacted.)	9 (End of confidential portion redacted.)
10	Q Turn to Exhibit 13, please, which is the	10 MR. SYLVAN: Objection. Calls for a legal
11	document called "Appraisal Report" authored by Laura	11 conclusion. Speculation. Foundation.
12	Duguid, D-u-g-u-i-d, dated October 2, 2023, and the	12 BY MR. LAING:
13	appraisal report is captioned "Precious Metals and	13 (Confidential portion redacted.)
14	Jewelry Fair Market Value Appraisal." Do you see	14
15	that?	15
16	A I do.	16
17	Q If you go to page 3 of the document,	17
18	there's a letter to David Palay dated October 2,	18
19	2003, where Stacy Randall's expert Laura Duguid	19
20	indicates that at Mr. Palay's request on	20
21	September 25, 2023, she conducted an appraisal	21
22	inspection of personal property belonging to Stacy	22
23	Randall. Do you see that?	23
24	A I do.	24 (End of confidential portion redacted.)
25	Q And then in the next paragraph, it says	25 MR. LAING: Those are all my questions.

1 Thank you. 2 MR. SYLVAN: No questions. Thank you. 3 MR. LAING: We're done. Thank you for 4 your time. 5 THE WITNESS: Thank you. 6 MS. SOLANO: Read or waive? 7 THE WITNESS: I'll defer to you and your 8 judgment. 9 MS. SOLANO: We can read. 10 THE VIDEOGRAPHER: This marks the end of 11 today's deposition. The time is 10:52. We're 12 going off the record. 13 (Thereupon, the deposition concluded at 14 10:52 a.m.) 15 (Reading and signing the deposition was 16 not waived.) 17 18 19 20 21 22 23 24 25	Page 41 1 C E R T I F I C A T E 2 THE STATE OF FLORIDA 3 COUNTY OF PALM BEACH. 4 5 I, GINA R. GRANT, do hereby certify that 6 I was authorized to and did stenographically report the 7 foregoing deposition; and that the transcript is a true 8 and correct transcription of the testimony given by the 9 witness. 10 I further certify that I am not a 11 relative, employee or attorney of any of the 12 parties, nor am I a relative or employee of any of 13 the parties' attorneys or counsel connected with the 14 action, nor am I financially interested in this 15 action. 16 DATED, this 12th day of January, 2024. 17 18 19 20 Gina Grant Notary Public - State of Florida My Commission No. GG341539 Expires: June 24, 2023 21 22 23 24 25
1 CERTIFICATE OF OATH 2 3 STATE OF FLORIDA 4 COUNTY OF PALM BEACH 5 6 I, GINA R. GRANT, Notary Public, State of 7 Florida at Large, do hereby certify that LOUISE PLASSE 8 personally appeared before me and was duly sworn. 9 WITNESS my hand and seal this 12th day of 10 January, 2024. 11 12 13 GINA R. GRANT Notary Public - State of Florida My Commission No. GG341539 Expires: June 24, 2023 14 15 16 17 18 19 20 21 22 23 24 25	Page 42

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